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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,173	01/09/2007	Martin Saur	10191/4470	5224
26646 7590 08/13/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER KIM, JOHN K				
ART UNIT 2834		PAPER NUMBER		
MAIL DATE 08/13/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,173

Applicant(s)

SAUR ET AL.

Examiner

JOHN K. KIM

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 6/3/2009, 9/19/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to papers filed on 6/3/2009. Amendments made to the claims and Applicant's remarks have been entered and considered.

Remarks

2. In view of amendments, the Examiner withdraws the rejection under 35 USC 102(b) and the rejection under 35 USC 103(a) to claims 12-24. However, claims 12-24 are not in a condition for allowance in view of new ground of rejection. The applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The claim 12 has been amended. In view of amendment, the examiner reviewed amended claims and remarks as follows.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacile et al (US 2003/0080635).

As for claim 12, Bacile shows (in Figs. 1-4) and discloses an electric motor system for an air conditioning fan of a motor vehicle [0002], comprising: an electric motor (14); a motor housing (10, 74) for the electric motor, wherein the motor housing includes a receiving opening (94) into which the electric motor at least partially extends; at least one electrical connection element (50, 70) for supplying power to the electric

motor; and an attachment unit (72) for the at least one electrical connection element (50), wherein the at least one electrical connection element (50) is attached to the electric motor; wherein the motor housing includes an electrical connection element opening (122); wherein a portion of the electrical connection element (50) is situated in the electrical connection element opening (122); wherein the electrical connection element (50) includes a plate-shaped collar (portion below 72 which may covers substantial portion of the opening 122 when assembled) that covers the electrical connection element opening; and wherein the electrical connection element (50) is not in physical contact with the motor housing [0019].

As for claim 13, Bacile shows and discloses the claimed invention as applied to claim 12 above. Bacile further shows (in Figs. 1-4) and discloses the at least one electrical connection element (50) is attached to the electric motor (14), without the use of the attachment unit on the motor housing (74).

As for claim 14, Bacile shows and discloses the claimed invention as applied to claim 13 above. Bacile further shows (in Figs. 1-4) and discloses the at least one electrical connection element (50) includes a plug (70) and a plug receptacle (58), wherein the plug receptacle (58) is formed on the electric motor (14).

As for claim 15, Bacile shows and discloses the claimed invention as applied to claim 14 above. Bacile further shows (in Figs. 1-4) and discloses the plug receptacle (58) is formed in an area of a bearing bracket (26) of the electric motor.

As for claim 16, Bacile shows and discloses the claimed invention as applied to claim 12 above. Bacile further shows (in Figs. 1-4) and discloses the at least one

electrical connection element (50) includes a plug (70) and a plug receptacle (58) for contacting the electric motor, and wherein the plug (70) is configured to be attached to the electric motor (14).

As for claim 17, Bacile shows and discloses the claimed invention as applied to claim 12 above. Bacile further shows (in Figs. 1-4) and discloses the plug (70) is configured to be latched (72) to the electric motor for secure contacting [0016].

As for claim 18, Bacile shows and discloses the claimed invention as applied to claim 12 above. Bacile further shows (in Figs. 1-4) and discloses the at least one electrical connection element (50) includes a plug (70) and a plug receptacle (58), wherein the plug (70) is configured to be latched (72) to the electric motor for secure contacting of the electric motor without using a separate latching system on the motor housing [0016].

As for claim 23, Bacile shows and discloses the claimed invention as applied to claim 18 above. Bacile further shows (in Figs. 1-4) and discloses the plug (50) is configured to be latched to a bearing bracket (26) of a shaft of the electric motor.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 19-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacile et al (US 2003/0080635) in view of Loup (US 4690366).

As for claim 19, Bacile shows and discloses the claimed invention as applied to claim 17 above. Bacile however is silent to show or disclose the plug includes at least one spring-elastic latching element for secure contacting. In the same field of endeavor, Loup shows (in Figs. 2-3) and discloses a plug (42) includes at least one spring-elastic latching element (52) for secure contacting. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Loup with that of Bacile for reasonable expectation of success to removably fix the connector on the housing by resiliently snapping over the rim when the connector is pushed home through the orifice. (col. 3, line 1-12)

As for claim 20, except claim dependency, the claim contains the substantially same limitation as claim 19 and is rejected for the same reason set forth in connection with the rejection of claim 19 above.

As for claim 21, Bacile in view of Loup shows and discloses the claimed invention as applied to claim 19 above. Loup shows (in Figs. 2-3) and discloses a plug (42) includes the at least one spring-elastic latching element (52) includes at least two latching hooks.

As for claim 22, except claim dependency, the claim contains the substantially same limitation as claim 22 and is rejected for the same reason set forth in connection with the rejection of claim 22 above.

As for claim 24, Bacile in view of Loup shows and discloses the claimed invention as applied to claim 19 above. Bacile further shows (in Figs. 1-4) and discloses the plug (50) is configured to be latched to a bearing bracket (26) of a shaft of the electric motor.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner also considered Mirumachi et al (US 5530304), Hata et al (US 4933582) and Nadeau et al (US 2003/0155822).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN K. KIM whose telephone number is (571)270-5072. The fax phone number for the examiner where this application or proceeding is assigned is 571-270-6072. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on 571-272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quyen Leung/
Supervisory Patent Examiner, Art Unit 2834

JK